

November 20, 2015

The Honorable Tom Wheeler
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Dear Chairman Wheeler:

I write to draw your attention to an ongoing situation that could affect internet access for thousands of individuals in Pennsylvania and around the country. Mobile Beacon and Mobile Citizen currently use Sprint's 4G WiMAX network to provide low-cost internet service to schools, libraries and nonprofits. Sprint plans to shut down the WiMAX network and transition to an LTE network, but a dispute over the terms of that transition led to a court order on November 5, 2015 preventing Sprint from shutting down WiMAX in certain areas for 90 days while the parties work to agree on a transition plan. I urge you to closely monitor this transition period and offer assistance where appropriate to ensure unbroken access to the internet for the thousands of mostly low-income Mobile Citizen and Mobile Beacon customers who currently rely on the WiMAX network.

In 2006, Mobile Beacon and Mobile Citizen reportedly leased some of their wireless spectrum to Clearwire to power its CLEAR internet service. In exchange, they got access to CLEAR that they could then resell to the schools, libraries and nonprofits they serve. Sprint acquired Clearwire in 2013, and soon after announced plans to shut down the WiMAX network that powers CLEAR and repurpose that spectrum to transition to an LTE network. The dispute that resulted in the November 5 preliminary injunction centers on whether Sprint's plan to transition Mobile Beacon and Mobile Citizen to the LTE network meets the obligations of the original contract with Clearwire.

In its Strategic Plan for 2012-2016, the FCC stated its vision of maximizing Americans' access to affordable broadband, noting that "broadband for all Americans has gone from being a luxury to a necessity for full participation in our economy and society." I wholeheartedly agree, and commend the FCC for its work in service of this vision.

But there is more work to do to protect internet access for the estimated 10,000 mostly low-income residents of Philadelphia and the hundreds of thousands of other Mobile Citizen and Mobile Beacon customers around the state and country with internet powered by the WiMAX network. Many of the schools, libraries and nonprofits that serve these individuals have publicly warned of the problems a loss of internet access would create.

Sprint has reportedly appealed the court's November 5 decision, but both parties have stated a desire to reach an agreement on how to successfully transfer from WiMAX to Sprint's LTE network. In that spirit, and without presuming to weigh in on the merits of the legal dispute, I respectfully request that you monitor the situation to help guide the transition from WiMAX to LTE in a way that maintains internet access for current customers. As both a matter of fairness and economic sense, it is critical that the internet continues to be an affordable tool for those working toward a better life. Thank you for your attention to this matter.

Sincerely,



Robert P. Casey, Jr.
United States Senator



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

January 21, 2016

The Honorable Bob Casey
United States Senate
393 Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Casey:

Thank you for your letter urging the Commission to work with Mobile Citizen and Mobile Beacon to prevent the loss of affordable broadband services to thousands of Americans. As your letter indicates, Mobile Beacon and Mobile Citizen are involved in a dispute with Sprint regarding Sprint's contractual obligation to provide certain broadband services to Mobile Beacon and Mobile Citizen for use by schools, libraries, and other non-profits, using radio spectrum allocated to educational use. One of the core responsibilities of the Commission is to ensure that all Americans have access to vital communications services. During my time as Chairman, the agency has been particularly focused on ensuring affordable access to high-speed broadband, especially in schools and libraries. Given the Commission's keen interest in access to broadband, the agency has been monitoring this matter closely.

As you note, this dispute involves certain changes that Sprint plans to make regarding the manner in which broadband services are provided and the capacity that will be available to users as Sprint moves its network away from an older technology, WiMAX, towards a newer technology, LTE. Mobile Beacon and Mobile Citizen allege the terms of service after this move occurs are inconsistent with their contracts. As a result, affiliates of Mobile Beacon and Mobile Citizen filed a lawsuit in Massachusetts state court against Sprint to enforce what they believe are their contractual rights. As part of this litigation, the state court granted an emergency preliminary injunction requiring Sprint to continue to offer Mobile Citizen and Mobile Beacon the same level of service they have been receiving while the litigation is ongoing. Sprint's motion to stay this injunction was subsequently denied by the state court.

For the immediate future, the broadband services provided to organizations like those mentioned in your letter will remain unchanged pending resolution of this contract dispute. As the litigation proceeds, the Commission will continue to monitor the situation and, to the extent necessary, take appropriate action consistent with the scope of the Commission's jurisdiction. Please let me know if I can be of any further assistance.

Sincerely,

Tom Wheeler